



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Graves et al.

Serial No.: 09/481,065

Filed: January 11, 2000

For: COMBINATION OVEN
ILLUMINATION IN
MICROWAVE ONLY COOKING
MODE

Art Unit:

Examiner:

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JUN 1 0 2002
OFFICE OF PETITIONS

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT OR, IN THE
ALTERNATIVE, FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED
PATENT APPLICATION**

Box DAC
Hon. Commissioner for Patents
Washington, D.C. 20231

Pursuant to 37 C.F.R. § 1.181, MPEP 711.03(c) II, and 1156 OG 53, Applicants hereby petition to withdraw holding of abandonment based on failure to receive an office communication.

The present application was transferred by GE Appliances (GE) to Armstrong Teasdale LLP (AT) in connection with GE requesting that AT take over docketing responsibility. In reviewing the approximately 383 files transferred, it was discovered by status checks that this application and approximately 42 other applications that were believed to be pending actually had a status of abandoned. Specifically, through a telephone status check to the USPTO, Applicants learned that the above-identified application has been held to be abandoned. More particularly, in the telephone status check, Applicants learned that a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION was mailed by the USPTO to Applicants on February 18, 2000. The undersigned has examined Applicants' file regarding the subject application and the file does not include a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION or a Filing Receipt or a Notice of Abandonment. Additionally, attached is a copy of GE's file folder where the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION and Filing Receipt would have been docketed had the

98



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION and Filing Receipt been received and docketed.

Applicants respectfully submit that Applicants' record is indicative of Applicants never receiving the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION. Accordingly, Applicants respectfully request that the holding of abandonment be withdrawn. Specifically, Applicants request that the signed declaration submitted herewith, the basic filing fee of \$690.00 and the fee of \$130.00 under 37 C.F.R. § 1.16(e) submitted herewith be accepted and that the holding of abandonment be withdrawn. The foregoing request is consistent with 1156 OG 53 in that the request includes a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received, and a copy of the docket record where the non-received Office action would have been entered had it been received and docketed is attached to and referenced in practitioner's statement.

Applicants believe that no fee is due for this petition and the Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$820.00 to deposit account 01-2384. If \$820.00 is not the correct fee, then the Commissioner is hereby authorized to charge the correct fee to deposit account 01-2384.

If the above petition under 37 C.F.R. § 1.181 is not granted, then pursuant to 37 C.F.R. §§ 1.316 and 1.137(b), and MPEP 711.03(c) III, Applicants hereby petition to revive the subject patent application as unintentionally abandoned. The following authorizations and statements are provided in accordance with 37 C.F.R. 1.137(b):

- (1) Authorization to charge the basic filing fee under 37 C.F.R. § 1.16(a) to a deposit account is set forth below in Paragraph (5).
- (2) Authorization to charge the late filing fee under 37 C.F.R. § 1.16(e) to a deposit account is set forth below in Paragraph (5).
- (3) Authorization to charge the petition fee (37 C.F.R. 1.17(m)) is set forth below in Paragraph (5).

(4) The entire delay in the filing of the required reply from the due date for the reply until the filing of this petition was unintentional.

(5) Fees:

a.	Payment of the basic filing fee	\$ 740.00
b.	Payment of the late filing fee	\$ 130.00
b.	Petition fee (37 C.F.R. 1.17(m))	<u>\$ 1,280.00</u>

TOTAL FEES DUE:	<u>\$ 2,150.00</u>
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The Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$2,150.00, any deficiencies in the enclosed fees, or credit any overpayment, to Deposit Account No. 01-2384. (A duplicate of this petition is enclosed.)

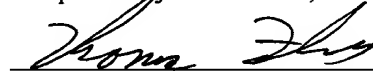
(6) Enclosed is a copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION.

(7) Enclosed is a signed declaration of Todd Vincent Graves, Dennis Patrick Kill, Jesse Spalding Head and Charles Ray Smith.

(8) Enclosed is a copy of GE's file folder where the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION and Filing Receipt would have been docketed had the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION and Filing Receipt been received and docketed.

For the reasons set forth above, Applicants respectfully request that the holding of abandonment be withdrawn, or in the alternative, that the subject application be revived.

Respectfully Submitted,



Thomas M. Fisher, Reg. No. 47,564
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070



ATTORNEY IN CHARGE		INVENTOR(S)		PATENT NO.		DOCKET NO.	
ATTORNEY OF RECORD		TITLE		SERIAL NO.		DOCKETED	
COMMITTEE RATING		DEPT. CHARGED		FILED		RECORDED	
DEPT. OF ORIGIN		DATA ON FOREIGN-ORIGINATED CASES & ASSIGNEE OF RECORD (IF NOT G.E. CO.)		DIV. NO.		REEL FRAME	
BUS. ADDR. OF INV.(S)		EXC'N DATE		SENT TO PATENT OFF.		ISSUED	
		BONUS NOTIFICATION		FILING FEE REQ.		G. E. CLASS NUMBER	
		INFO. TO IGE.		SUPPL. OATH REQ.		FINAL FEE REQ.	
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Explanatory Document - Chemicals Division

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REEL 19384